

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1286

Introduced by Senator Ducheny

February 14, 2006

An act to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1286, as amended, Ducheny. Binational air pollution.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would, upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California, and the City of Mexicali that establishes a binational council to address air quality issues in the binational air basin that encompasses the Imperial County and the City of Mexicali, Baja California, specify *part of* the membership of the California delegation to the binational council. The bill would require the

meetings of the California delegation to be subject to the Ralph M. Brown Act. The bill would require the binational council to perform specified functions, including, but not limited to, identifying and recommending to the state and local governments of both California and Baja California strategies and actions that could be taken to improve air quality within the air basin. The bill would also require the binational council to establish certain basinwide goals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 39950) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 9. BINATIONAL AIR POLLUTION

39950. (a) Upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California, and the City of Mexicali that establishes a binational council to address air quality issues in the binational air basin that encompasses Imperial County, California, and the City of Mexicali, Baja California, all of the following shall apply:

(1) The membership of the California delegation shall ~~be as follows~~ include, but not necessarily be limited to, the following:

- (A) The chairperson of the state board.
- (B) The Imperial County Director of Public Health Services.
- (C) The Imperial County Air Pollution Control Officer.
- (D) One member of the Imperial County Board of Supervisors, as designated by the board.
- (E) Two public members appointed by the Imperial County Board of Supervisors.
- (F) The President of the Imperial Irrigation District Board of Directors or his or her designee.

(2) The chairperson of the state board shall serve as the chair of the California delegation to the binational council.

(3) The Secretary for Environmental Protection and the Secretary for the United States Environmental Protection Agency

1 shall be invited to participate as nonvoting, ex officio members
2 of the council.

3 (4) The meetings of the California delegation shall be subject
4 to the Ralph M. Brown Act, ~~Chapter~~ (Chapter 9 (commencing
5 with Section 54950) of Part 1 of Division 2 of Title 5 of the
6 Government ~~Code Code~~).

7 (5) *In the event that the number of state or local*
8 *representatives from Baja California should exceed the number*
9 *of state and local representatives from California described in*
10 *paragraph (1), the Secretary for Environmental Protection shall*
11 *appoint additional members to the California delegation in a*
12 *manner that provides jurisdictionally equivalent representation*
13 *to that of the Baja California delegation.*

14 (6) *The California delegation shall always include, in addition*
15 *to any local representatives, at least one state representative*
16 *from California, and the binational council shall not meet*
17 *without at least one state representative from California being*
18 *present.*

19 (b) In case of conflict between this ~~section~~ chapter and the
20 memorandum of understanding, the provisions of this ~~section~~
21 chapter shall apply.

22 39951. (a) The binational council may sponsor conferences,
23 symposiums, and other public forums, to seek a broad range of
24 public advice when establishing priorities for improving air
25 quality within the binational air basin.

26 (b) The council shall do all of the following:

27 (1) Assist in the coordination of activities by state and local
28 agencies on both sides of the border between California and
29 Mexico, relating to the protection and regulation of air quality.

30 (2) Establish policies to coordinate the collection and sharing
31 of scientific data related to air pollution and air quality protection
32 measures.

33 (3) Identify and recommend to the state and local governments
34 of both California and Baja California changes in law needed to
35 achieve the goals of this chapter.

36 (4) Identify and recommend to the state and local governments
37 of both California and Baja California strategies and actions that
38 could be taken to improve air quality within the binational air
39 basin.

1 (5) Identify changes in federal law and policy of both the
2 United States and Mexico that are necessary to achieve the goals
3 of this chapter and to improve air quality within the binational air
4 basin.

5 39952. The binational council shall, pursuant to specific
6 processes established in the memorandum of understanding that
7 establishes the binational council, establish basinwide goals to
8 assist the state and local governments to do all of the following:

9 (a) Achieve ambient air quality standards for the binational air
10 basin.

11 (b) Monitor ambient air pollutant concentrations in the
12 binational air basin.

13 (c) Develop and maintain a valid emissions inventory for the
14 binational air basin, updated and disaggregated as practicable.

15 (d) Conduct basinwide air quality modeling to identify
16 appropriate control strategies for attainment of ambient air
17 quality standards.

18 (e) Monitor the health of residents to track the incidence of
19 health problems within the binational air basin.

20 (f) Establish instruments to promote and achieve emissions
21 reductions.

22 (g) Promote partnerships between and among industry and
23 regulatory authorities on both sides of the border to pursue
24 economic incentives according to each country's laws.

25 (h) Investigate opportunities for pursuing, and seek
26 authorization from respective state and federal governments to
27 pursue, strategies that facilitate the achievement of
28 environmental and public health goals.